

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
FILE NO. 3:07-cv-496-GCM

MA'LISSA SIMMONS, MONTERRUS)
MARSHALL, YOLANDA)
CARRAWAY and DELANA PRUITT,)
on behalf of themselves and all others)
similarly situated,)
Plaintiffs,)
v.)
UNITED MORTGAGE AND LOAN)
INVESTMENT, LLC, ARTHUR E.)
KECHIJIAN AND LARRY E. AUSTIN,)
AUSTIN INVESTMENTS, L.P.;)
KECHIJIAN INVESTMENTS, L.P.,)
UMLIC CONSOLIDATED, INC.;)
UMLIC HOLDINGS, LLC; UMLIC-)
SEVEN CORP.; UNITED MORTGAGE)
HOLDINGS, LLC; and UNITED)
MORTGAGE LOAN AND)
INVESTMENT, L.L.C.)
Defendants.)

**PLAINTIFFS' MOTION FOR
PARTIAL RECONSIDERATION OR
IN THE ALTERNATIVE FOR
LEAVE TO AMEND COMPLAINT**

Plaintiffs for themselves and for all others similarly situated and pursuant to Rule 54(b) of the Federal Rules of Civil Procedure move this court to reconsider the portion of its Order of May 30, 2008, dismissing Plaintiffs' North Carolina Wage and Hour Act claims. In the alternative, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiffs request leave to file a Second Amended Complaint. A memorandum in support of these issues is attached hereto.

Pursuant to Local Rule 7.1(A), the undersigned attempted to contact Defendants' counsel to confer on this matter, but was advised that Defendants' counsel was not

available and would be out of the office until next week. The undersigned has, therefore, been unable to confirm whether Defendants will support or oppose this Motion. .

Respectfully submitted, this the 9th day of June, 2008.

/s/ Jessica E. Leaven
Jessica E. Leaven, NC State Bar No. 27832
Burton Craige, NC Bar No. 9180
Leto Copeley, NC Bar No. 12624
Patterson Harkavy LLP
100 Europa Drive, Suite 250
Chapel Hill, NC 27516
Tel: 919.942.5200
Fax: 919.942.5256
jleaven@pathlaw.com
bcraige@pathlaw.com
lcopeley@pathlaw.com

Attorneys for Plaintiffs and the Proposed Plaintiff Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Plaintiffs' Motion for Partial Reconsideration or in the Alternative Leave to Amend the Complaint was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to Kevin V. Parsons, kparsons@pcqlawfirm.com, Attorney for Defendants, and that a copy of the foregoing has been served this day by first-class mail, postage prepaid upon the following:

Aaron M. Christensen
Smith & Christensen
6302 Fairview Rd.
Suite 309
Charlotte, NC 28210

This the 9th day of June, 2008.

/s/ Jessica E. Leaven
Jessica E. Leaven
NC State Bar No. 27832
Patterson Harkavy LLP
100 Europa Drive, Suite 250
Chapel Hill, NC 27516
Tel: 919.942.5200
Fax: 919.942.5256
jleaven@pathlaw.com

*Attorney for Plaintiffs and the
Proposed Plaintiff Class*